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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,851	02/12/2001	Michael Wengrovitz	40538/SAH/X2	7730
35114	7590	06/15/2005	EXAMINER	
ALCATEL INTERNETWORKING, INC.			SHAH, CHIRAG G	
ALCATEL-INTELLECTUAL PROPERTY DEPARTMENT				
3400 W. PLANO PARKWAY, MS LEGL2			ART UNIT	
PLANO, TX 75075			PAPER NUMBER	
			2664	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/781,851	Applicant(s) WENGROVITZ, MICHAEL	
	Examiner Chirag G. Shah	Art Unit 2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2005.  
 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 13-36 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 13-36 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 09 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 13-16, 18-22, 24-28, 30-34, and 36 rejected under 35 U.S.C. 103(a) as being unpatentable over Gallant et al. (U.S. Patent No. 6,636,596), hereinafter, Gallant in view of Smyth (U.S. Patent No. 6,678,246).

Referring to claims 13 and 19, Gallant discloses in figures 1 and 2 of a communication network adhering to a session initiation protocol (SIP) for establishing telephonic communication between devices, the network comprising:

- a SIP-unobservant device [figures 1, index 13];
- a SIP-observant device [figure 1, index 15]; and
- an emulation client operative (27 call control entity of figure 1) between the SIP-unobservant device 13 and the SIP-observant device 15, characterized in that a call establishment message transmitted by the SIP-unobservant device in a SIP-unobservant format is converted to a SIP-observant format by the emulation client and transmitted to the SIP-observant device or vice versa [as disclosed in figures 1, 2 and column 2, lines 26-65, column 3, lines 39 to column 4, lines 28] as claim.

*Gallant, however fails to disclose that a switching device connected to the SIP-unobservant device and the switching device includes an emulation client.*

Smyth discloses in fig. 3 of a PBX switching device. Smyth further discloses in the respective section, column 3, lines 49-60 of a PBX switching device having a gateway card 20 (emulation client) for performing conversion of traffic between formats used by the PBX and the format necessary for transport over the data network 30. SIP and H.323 as mentioned in the background are used for VoIP (data) networks. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to modify the PBX of Gallant to include call format conversion/establishment as taught by Smyth. One is motivated as such in order to avoid delays to the voice signal (Smyth, background).

Referring to claims 25 and 31, Gallant discloses of an emulation client [27 call control entity of figure 1] in a communication network adhering to a session initiation protocol (SIP) for establishing telephonic communication between a SIP-observant [15a] device and a SIP-unobservant [13] device, characterized in that a call establishment message transmitted by the SIP-observant device in a SIP-observant format is converted to a SIP-unobservant format by the emulation client and transmitted to the SIP-unobservant device and vice-versa [as disclosed figures 1, 2 and column 2, lines 26-65, column 3, lines 39 to column 4, lines 28] as claim.

*Gallant, however fails to disclose that a switching device connected to the SIP-unobservant device and the switching device includes an emulation client.*

Smyth discloses in fig. 3 of a PBX switching device. Smyth further discloses in the respective section, column 3, lines 49-60 of a PBX switching device having a gateway card 20 (emulation client) for performing conversion of traffic between formats used by the PBX and the format necessary for transport over the data network 30. SIP and H.323 as mentioned in the background are used for VoIP (data) networks. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to modify the PBX of Gallant to include call format conversion/establishment as taught by Smyth. One is motivated as such in order to avoid delays to the voice signal (Smyth, background).

Referring to claims 14, 20, 26 and 32, Smyth discloses in fig. 3 that wherein the switching device [PBX A] is a private branch exchange unit.

Referring to claim 15 and 21, Gallant discloses in col. 4, lines 42-65 the emulation client further for converting a call establishment message transmitted from the SIP-observant device in a SIP-observant format to a SIP-unobservant format and transmitted to the SIP-unobservant device [a bi-directional communication takes place where formats are converted back to original format] as claim.

Referring to claims 27, and 33, Gallant discloses wherein the SIP-unobservant format adheres to a private branch exchange signaling protocol [as disclosed in figure 1, telephone 13a adheres to PBX 19a].

Referring to claims 16, 22, 28 and 34, Gallant further discloses of comprising: retrieving redirection information associated with the first call establishment message from a location database [as disclosed in figures 1, 2 and column 3, lines 39 to column 4, lines 28, upon receipt of the invite request 37 the location manager 31 queries the service control entity 29 with a routing request 39, the service control entity 29 performs a data lookup and responds to the location manger 31 with a routing response 41. The location manager 31 maps response 41 into a SEP temporarily moved response 43 directed back to SIP proxy server 23]; and redirecting the second call establishment message response to the retrieved redirection information [as disclosed in figures 1, 2 and column 3, lines 39 to column 4, lines 28, the response 43 provides the SIP proxy server 23 with an IP address for the called party at the egress IP telephony gateway 21b, accordingly the SIP proxy server 23 sends an invite request 45 to the called party at the egress IP telephony gateway 21b] as claim.

Referring to claim 18, 24, 30 and 36, Gallant further discloses of comprising selecting the SIP-unobservant format from a plurality available formats [as disclosed in column 2, lines 26-50 of SS7 and IP telephony signaling messages].

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17, 23, 29, and 35 rejected under 35 U.S.C. 103(a) as being unpatentable over Gallant in view of Smyth (U.S. Patent No. 6,678,246), further in view of Maggenti et al (U.S. Patent No. 6,477,150).

Referring to claim 17, 23, 29 and 35, Gallant discloses in figure 1 and column 3, lines 8 to 30 of the location manager 31 functioning as a SIP redirect server. Gallant in view of Smyth however fails to explicitly disclose that the redirection information is associated with a day and a time indicative of when the call establishment message is to be redirected. Maggenti discloses in figure 7 may redirect SIP request using SIP redirection mechanism associated with a time for redirection. Therefore, it would have been obvious to one of ordinary skill in the art to include the feature as taught by Maggenti into the SIP redirect server of Gallant in view of Smyth in order to facilitate and integrated service while reducing delay.

#### *Response to Arguments*

5. Applicant's arguments with respect to claim 13-36 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to:**

(703)305-9051, (for formal communications; please mark "EXPEDITED  
PROCEDURE)

**Or:**

(703)305-5403 (for informal or draft communications, please label "PROPOSED"  
or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal  
Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Chirag G. Shah whose telephone number is 571-272-3144. The  
examiner can normally be reached on M-F 6:45 to 4:15, 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the  
organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cgs  
June 2, 2005

  
**Ajit Patel**  
**Primary Examiner**